

INSTRUCTION NO.
LI 45-16

LI 45-16
LOGISTICS
Revised 22 January 1974

SUBJECT: Procedures for Implementing Section 102(2)(C) of the
National Environmental Policy Act

1. PURPOSE

This Logistics Instruction prescribes procedures for implementing Section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190), hereinafter referred to as the Act, with regard to:

- a. The design, construction, alteration, operation, and use of public buildings and sites.
- b. The lease, purchase, or operation of other facilities or properties.
- c. The operation or use of property, equipment, vehicles, and other means of transportation.

2. BACKGROUND

- a. Section 102(2)(C) of the Act directs all Federal agencies to identify and develop methods and procedures which will ensure that environmental amenities and values are given appropriate consideration in decisionmaking, along with economic and technical considerations, and to prepare a detailed statement on major Federal actions that significantly affect the quality of the human environment. Executive Order 11514 of 5 March 1970, "Protection and Enhancement of Environmental Quality," implements the purpose and policy of this Act, and "Guidelines," implementing its provisions, have been issued by the Council on Environmental Quality.
- b. The Act does not prohibit projects which are determined to have adverse impact but only insists that the environmental statements address each of these impacts and consider possible alternatives.

3. RESPONSIBLE OFFICIALS

- a. The Director of Logistics has been designated the Responsible Official, referred to in Section 102(2)(C) of the Act, who shall:

ADMINISTRATIVE - INTERNAL USE ONLY

INSTRUCTION NO.
LI 45-16

LI 45-16
LOGISTICS

Revised 22 January 1974

- (1) Determine if proposed Agency actions require environmental impact statements.
 - (2) Ensure the fullest practicable provision of timely public information relative to Agency plans for actions of the type described in paragraph 1 which will impact on the human environment, and he shall obtain views of interested parties before committing final administrative action.
- b. The Chief, Real Estate and Construction Division, will assist the Director of Logistics, as required, including the following:
- (1) Provide technical competence for assessment studies of proposed projects and actions.
 - (2) Develop environmental impact statements when they are deemed necessary.
 - (3) Maintain a list of actions for which environmental statements are being prepared, revising the list as proposed actions are added or dropped.
 - (4) Report revision of the list to the Council on Environmental Quality quarterly, along with any negative determinations.
- c. Independent Operating Officials shall review proposed projects with the Director of Logistics at the earliest possible stage of the proposal.

4. DEFINITION OF TERMS

In the context of this Instruction, the following terms are defined as stated below:

- a. Determination - a formal decision by the Director of Logistics that an environmental statement is to be prepared for a proposed action. A negative determination is a decision that preparation of a statement is not merited.
- b. Environmental Assessment Study - an organized investigation of a proposed Agency action undertaken to evaluate the significance of the impact that the action may have on the environment.
- c. Environmental Assessment - a written analysis describing environmental impacts of Agency actions which is submitted to the Director

INSTRUCTION NO.
LI 45-16

LI 45-16
LOGISTICS

Revised 22 January 1974

of Logistics to assist determination decisions. Information required in the assessment shall parallel the contents required in an environmental impact statement - see paragraph 6.

- d. Environmental Impact Statement - a report prepared by the Agency which identifies and analyzes in detail the environmental impact of an Agency action. Statements are to be prepared in draft and final forms. See paragraph 6 for detailed listing of required contents.

5. INTERNAL REVIEW OF PROPOSED AGENCY ACTIONS AND DETERMINATIONS

- a. For each proposed action or project of a type listed in paragraph 1, an assessment shall be made as early as possible, before a final determination is made, as to the significance of and the controversy of the action along with its probable environmental impact.
- b. If the preliminary assessment indicates a potential for impact in the categories of pollution (air and water), land use, and use of energy resources, further detailed studies shall be conducted to such a point that will allow a clear determination or negative determination to be made.
- c. Projects or actions for which environmental impact statements would normally be made include the following:
 - (1) Construction of new facilities and the legislative requests for appropriation for new construction.
 - (2) Acquisition or disposal of real property, by lease, assignment, purchase, or otherwise, the operation of which, by the process involved, adversely affects the environment.
 - (3) Actions that would force displacement of people or relocation of employees naturally affecting population density. Facility relocations within the Washington metropolitan area shall be examined relative to policies of the National Capital Planning Commission.
 - (4) Major renovations of existing Agency facilities that alter the basic functions of space in excess of 10,000 gross square feet.
- d. Basis for Determination:
 - (1) "Major Federal Actions" shall be construed to include Agency actions viewed against the cumulative impact of related actions

INSTRUCTION NO.
LI 45-16

LI 45-16
LOGISTICS
Revised 22 January 1974

by other agencies in the project area. If there is potential that the environment may be significantly affected, a statement is to be prepared.

- ✓ (2) Agency actions likely to be controversial should be covered by an environmental statement in all cases.

6. CONTENT OF ENVIRONMENTAL STATEMENTS

- a. The following points are to be covered in draft and final environmental impact statements:
- (1) Describe the proposed action and its purpose.
 - (2) Describe the existing environment to be affected, supplemented with maps, photos, charts, and other graphic media commensurate with the extent of the impact and with amount of information required at the particular level of decisionmaking.
 - (3) State relationship of proposed action to land use plans, policies, and controls for the affected area.
 - (4) Describe the probable impact on the environment in both positive and negative aspects. Include primary and secondary consequences which cannot be avoided such as pollution, urban congestion, and threats to environmental goals.
 - (5) State alternatives to the proposed action and illustrate desirability relative to the recommended course of action proposed. Discuss alternative measures to compensate for losses to wildlife and alternative design approaches that significantly affect consumption of energy or other resources.
 - (6) Discuss the relationship between local, short-term use and the maintenance and enhancement of long-term productivity of man's environment.
 - (7) Identify any irreversible and irretrievable commitments of resources should the action be implemented. This requires identification of the extent to which the action would curtail the range of beneficial use of the environment and affect historic features to be preserved.

ADMINISTRATIVE - INTERNAL USE ONLY

INSTRUCTION NO.
LI 45-16

LI 45-16
LOGISTICS
Revised 22 January 1974

- (8) Indicate other interests and considerations of Federal policy which are thought to offset the proposed action's adverse effects.
- (9) Where appropriate, discuss problems and objections raised by other Federal, state, and local agencies and by the public during the review process.
- b. Each environmental statement shall be prepared in accordance with the precept of Section 102(2)(C) of the Act that all agencies utilize a systematic interdisciplinary approach which will ensure the integrated use of the natural and social sciences in concert with environmental design arts in planning and decisionmaking which may have impact on man's environment. The preparation process involves circulation of statements to other Federal agencies for review and comment, dissemination of information to the public, publishing statements in the Federal Register and the submitting of statements to the Council on Environmental Quality as required by the Council guidelines.
- c. Each draft and final statement shall be accompanied by a summary in the format stipulated in Appendix I of the Council on Environmental Quality guidelines dated 1 August 1973.
- 7. REVIEW OF ENVIRONMENTAL STATEMENTS BY FEDERAL, STATE, AND LOCAL AGENCIES AND BY THE PUBLIC
 - a. To meet statutory requirements of making environmental statements available to the President, draft statements and final statements, together with the substance of all comments, shall be sent to the Council on Environmental Quality as soon as they are prepared. Transmit statements to the Council in 10 copies. Simultaneously, copies being sent to other agencies for review and comment should be issued.
 - b. The Council will publish weekly in the Federal Register lists of statements received for public review. The date of publications of such lists shall be the date from which minimum periods for review and advance availability are calculated.
 - c. Draft environmental statements should be circulated for review to Federal and state agencies with relevant expertise. Refer to Appendices II, III, and IV of the Council on Environmental Quality guidelines dated 1 August 1973 for a listing of such agencies.

INSTRUCTION NO.
LI 45-16

LI 45-16
LOGISTICS
Revised 22 January 1974

- d. Draft environmental statements should be submitted in all cases to the Environmental Protection Agency for review and written comment.
- e. Public review of environmental impact statements shall be accomplished by making draft and final statements available to the public free of charge or at no more than actual cost of reproduction. The intent to prepare environmental impact statements, the holding of public hearings, and the availability of draft and final statements shall be announced by public notices in local news media serving the geographical area wherein the environmental impact is being assessed. Such public notices shall be timely and contain sufficient information about the action contemplated and its possible impact, so the public can determine whether it should seek access to the impact statement. The notices shall also inform the public how it may gain access to, or obtain, copies of the statement.
- f. When requesting review and comment from entities external to the Agency, project managers shall establish an appropriate time period based on the complexity of the statement but not less than 45 days from the date of publication of the statement in the Federal Register. Requests for extensions of time by reviewing bodies up to 15 days should be honored.
- g. Final environmental statements shall be published and circulated to all organizations and individuals that made substantive comments on the draft statement. In all cases, copies shall be sent to the Environmental Protection Agency.
8. ADMINISTRATIVE ACTIONS RELATIVE TO REVIEWS OF ENVIRONMENTAL STATEMENTS
 - a. To the maximum extent possible, execution of actions and projects of the types identified in paragraphs 1 and 5c shall not start sooner than 90 days after a draft statement has been furnished the Council, circulated for comment, and made available to the public.
 - b. Similarly, execution of proposed actions and projects shall not start sooner than 30 days after a final statement has been made available to the Council, commenting agencies, and the public.
 - c. The final statement with its appended comments shall accompany the proposal through the existing review processes internal to the Agency prior to execution.

ADMINISTRATIVE - INTERNAL USE ONLY

INSTRUCTION NO.
LI 45-16

LI 45-16
LOGISTICS

Revised 22 January 1974

9. SUMMARY OF PROCEDURAL STEPS FOR ENVIRONMENTAL IMPACT REVIEW OF PROPOSED ACTIONS

a. Preliminary Agency review process:

- (1) RECD/OL review of proposed action for assessment relative to the Act and the necessity for preparation of an environmental impact statement.
- (2) Director of Logistics determination to prepare an environmental impact statement.
- (3) Publish the intent to prepare an environmental impact statement, or report to the Council on Environmental Quality a negative determination in case of an action that normally requires an environmental impact statement.

b. Environmental impact statement process:

- (1) Prepare draft environmental impact statement.
- (2) Issue draft to the Council on Environmental Quality, commenting agencies, and make available to the public. Publish availability of the draft in the Federal Register and by public notices in appropriate local news media.
- (3) After 45 days minimum, collect comments and revise the draft, as required.
- (4) Issue final text of the environmental statement with comments on the draft to the Council on Environmental Quality and commenting parties. Publish availability of the final environmental impact statement in the Federal Register and by public notices in appropriate local news media.
- (5) After 45 days minimum, collect the final comments and conduct an internal Agency review.

c. Final Agency review:

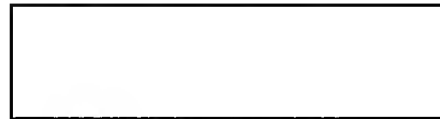
- (1) The environmental impact statement, with relevant comments, shall accompany the proposal during review.

ADMINISTRATIVE - INTERNAL USE ONLY

INSTRUCTION NO.
LI 45-16

LI 45-16
LOGISTICS
Revised 22 January 1974

- (2) Modify the proposal, as required, to satisfy environmental impact statement reviews.
- (3) Authorize the project for execution.



Director of Logistics

STAT

ILLEGIB

Approved For Release 2002/11/15 : CIA-RDP85-00759R000100180009-8

Next 3 Page(s) In Document Exempt

Approved For Release 2002/11/15 : CIA-RDP85-00759R000100180009-8

Dated at Bethesda, Maryland, this 14th day of December, 1973.

For the Atomic Energy Commission.

A. SCHWENCER,
Chief, Light Water Reactors,
Branch 2-3, Directorate of
Licensing.

[FR Doc.73-27005 Filed 12-20-73; 8:45 am]

CENTRAL INTELLIGENCE AGENCY

[Instruction LI 45-16]

NATIONAL ENVIRONMENTAL POLICY ACT

Implementation Procedures

JANUARY 22, 1974.

The Central Intelligence Agency published proposed procedures dated 30 October 1973 for implementing section 102 (2) (C) of the National Environmental Policy Act of 1969 (Public Law 91-190) which appeared at 38 FR 31654. Comments were received from the Environmental Protection Agency (EPA), Office of Federal Activities, suggesting that the scope of Agency actions covered in the procedures be broadened and that the definition of terms be refined to more closely parallel EPA terminology. Comments were also received from the National Newspaper Association which suggested amplification of the procedures regarding the use of public notices in newspapers as a medium to make the public aware of proposed actions and the development of environmental impact statements. All comments were given full consideration, and the proposed procedures were revised into the current instruction. Because this instruction is for intra-Agency use, it will not be codified for publication as a section of the Code of Federal Regulations. The current instruction follows:

1. **Purpose.** This Logistic Instruction prescribes procedures for implementing section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190), hereinafter referred to as the Act, with regard to:

a. The design, construction, alteration, operation, and use of public buildings and sites.

b. The lease, purchase, or operation of other facilities or properties.

c. The operation or use of property, equipment, vehicles, and other means of transportation.

2. **Background.** a. Section 102(2)(C) of the Act directs all Federal agencies to identify and develop methods and procedures which will ensure that environmental amenities and values are given appropriate consideration in decision-making, along with economic and technical considerations, and to prepare a detailed statement on major Federal actions that significantly affect the quality of the human environment. Executive Order 11514 of March 5, 1970, "Protection and Enhancement of Environmental Quality," implements the purpose and policy of this Act, and "Guidelines," implementing its provisions, have been issued by the Council on Environmental Quality.

b. The Act does not prohibit projects which are determined to have adverse impact but only insists that the environmental statements address each of these impacts and consider possible alternatives.

3. **Responsible officials.** a. The Director of Logistics has been designated the Responsible Official, referred to in section 102(2)(C) of the Act, who shall:

(1) Determine if proposed Agency actions require environmental impact statements.

(2) Ensure the fullest practicable provision of timely public information relative to Agency plans for actions of the type described in paragraph 1 which will impact on the human environment, and he shall obtain views of interested parties before committing final administrative action.

b. The Chief, Real Estate and Construction Division, will assist the Director of Logistics, as required, including the following:

(1) Provide technical competence for assessment studies of proposed projects and actions.

(2) Develop environmental impact statements when they are deemed necessary.

(3) Maintain a list of actions for which environmental statements are being prepared, revising the list as proposed actions are added or dropped.

(4) Report revision of the list to the Council on Environmental Quality quarterly, along with any negative determinations.

c. Independent Operating Officials shall review proposed projects with the Director of Logistics at the earliest possible stage of the proposal.

4. **Definition of terms.** In the context of this instruction, the following terms are defined as stated below:

a. **Determination**—a formal decision by the Director of Logistics that an environmental statement is to be prepared for a proposed action. A negative determination is a decision that preparation of a statement is not merited.

b. **Environmental Assessment Study**—an organized investigation of a proposed Agency action undertaken to evaluate the significance of the impact that the action may have on the environment.

c. **Environmental Assessment**—a written analysis describing environmental impacts of Agency actions which is submitted to the Director of Logistics to assist determination decisions. Information required in the assessment shall parallel the contents required in an environmental impact statement—see paragraph 6.

d. **Environmental Impact Statement**—a report prepared by the Agency which identifies and analyzes in detail the environmental impact of an Agency action. Statements are to be prepared in draft and final forms. See paragraph 6 for detailed listing of required contents.

5. **Internal review of proposed agency actions and determinations.** a. For each proposed action or project of a type listed in paragraph 1, an assessment

shall be made as early as possible, before a final determination is made, as to the significance of and the controversy of the action along with its probable environmental impact.

b. If the preliminary assessment indicates a potential for impact in the categories of pollution (air and water), land use, and use of energy resources, further detailed studies shall be conducted to such a point that will allow a clear determination or negative determination to be made.

c. Projects or actions for which environmental impact statements would normally be made include the following:

(1) Construction of new facilities and the legislative requests for appropriation for new construction.

(2) Acquisition or disposal of real property, by lease, assignment, purchase, or otherwise, the operation of which, by the process involved, adversely affects the environment.

(3) Actions that would force displacement of people or relocation of employees naturally affecting population density. Facility relocations within the Washington metropolitan area shall be examined relative to policies of the National Capital Planning Commission.

(4) Major renovations of existing Agency facilities that alter the basic functions of space in excess of 10,000 gross square feet.

d. **Basis for Determination:**

(1) "Major Federal Actions" shall be construed to include Agency actions viewed against the cumulative impact of related actions by other agencies in the project area. If there is potential that the environment may be significantly affected, a statement is to be prepared.

(2) Agency actions likely to be controversial should be covered by an environmental statement in all cases.

6. **Content of environmental statements.** a. The following points are to be covered in draft and final environmental impact statements:

(1) Describe the proposed action and its purpose.

(2) Describe the existing environment to be affected, supplemented with maps, photos, charts, and other graphic media commensurate with the extent of the impact and with amount of information required at the particular level of decisionmaking.

(3) State relationship of proposed action to land use plans, policies, and controls for the affected area.

(4) Describe the probable impact on the environment in both positive and negative aspects. Include primary and secondary consequences which cannot be avoided such as pollution, urban congestion, and threats to environmental goals.

(5) State alternatives to the proposed action and illustrate desirability relative to the recommended course of action proposed. Discuss alternative measures to compensate for losses to wildlife and alternative design approaches that sig-

significantly affect consumption of energy or other resources.

(6) Discuss the relationship between local, short-term use and the maintenance and enhancement of long-term productivity of man's environment.

(7) Identify any irreversible and irretrievable commitments of resources should the action be implemented. This requires identification of the extent to which the action would curtail the range of beneficial use of the environment and affect historic features to be preserved.

(8) Indicate other interests and considerations of Federal policy which are thought to offset the proposed action's adverse effects.

(9) Where appropriate, discuss problems and objections raised by other Federal, state, and local agencies and by the public during the review process.

b. Each environmental statement shall be prepared in accordance with the precept of section 102(2)(A) of the Act that all agencies utilize a systematic interdisciplinary approach which will ensure the integrated use of the natural and social sciences in concert with environmental design arts in planning and decisionmaking which may have impact on man's environment. The preparation process involves circulation of statements to other Federal agencies for review and comment, dissemination of information to the public, publishing statements in the FEDERAL REGISTER and the submitting of statements to the Council on Environmental Quality as required by the Council guidelines.

c. Each draft and final statement shall be accompanied by a summary in the format stipulated in Appendix I of the Council on Environmental Quality guidelines dated 1 August 1973.

7. *Review of environmental statements by Federal, state, and local agencies and by the public.* a. To meet statutory requirements of making environmental statements available to the President, draft statements and final statements, together with the substance of all comments shall be sent to the Council on Environmental Quality as soon as they are prepared. Transmit statements to the Council in 10 copies. Simultaneously, copies being sent to other agencies for review and comment should be issued.

b. The Council will publish weekly in the FEDERAL REGISTER lists of statements received for public review. The date of publication of such lists shall be the date from which minimum periods for review and advance availability are calculated.

c. Draft environmental statements should be circulated for review to Federal and state agencies with relevant expertise. Refer to Appendices II, III, and IV of the Council on Environmental Quality guidelines dated 1 August 1973 for a listing of such agencies.

d. Draft environmental statements should be submitted in all cases to the Environmental Protection Agency for review and written comment.

e. Public review of environmental impact statements shall be accomplished by making draft and final statements available to the public free of charge or at no

more than actual cost of reproduction. The intent to prepare environmental impact statements, the holding of public hearings, and the availability of draft and final statements shall be announced by public notices in local news media serving the geographical area wherein the environmental impact is being assessed. Such public notices shall be timely and contain sufficient information about the action contemplated and its possible impact, so the public can determine whether it should seek access to the impact statement. The notices shall also inform the public how it may gain access to, or obtain, copies of the statement.

f. When requesting review and comment from entities external to the Agency, project managers shall establish an appropriate time period based on the complexity of the statement but not less than 45 days from the date of publication of the statement in the FEDERAL REGISTER. Requests for extensions of time by reviewing bodies up to 15 days should be honored.

g. Final environmental statements shall be published and circulated to all organizations and individuals that made substantive comments on the draft statement. In all cases, copies shall be sent to the Environmental Protection Agency.

8. *Administrative actions relative to reviews of environmental statements.* a. To the maximum extent possible, execution of actions and projects of the types identified in paragraphs 1 and 5c shall not start sooner than 90 days after a draft statement has been furnished the Council, circulated for comment, and made available to the public.

b. Similarly, execution of proposed actions and projects shall not start sooner than 30 days after a final statement has been made available to the Council, commenting agencies, and the public.

c. The final statement with its appended comments shall accompany the proposal through the existing review processes internal to the Agency prior to execution.

9. *Summary of Procedural steps for environmental impact review of proposed actions.* a. Preliminary Agency review process:

(1) RECD/OL review of proposed action for assessment relative to the Act and the necessity for preparation of an environmental impact statement.

(2) Director of Logistics determination to prepare an environmental impact statement.

(3) Publish the intent to prepare an environmental impact statement, or report to the Council on Environmental Quality a negative determination in case of an action that normally requires an environmental impact statement.

b. Environmental impact statement process:

(1) Prepare draft environmental impact statement.

(2) Issue draft to the Council on Environmental Quality, commenting agencies, and make available to the public. Publish availability of the draft in the FEDERAL REGISTER and by public

notices in appropriate local news media.

(3) After 45 days minimum, collect comments and revise the draft, as required.

(4) Issue final text of the environmental statement with comments on the draft to the Council on Environmental Quality and commenting parties. Publish availability of the final environmental impact statement in the FEDERAL REGISTER and by public notices in appropriate local news media.

(5) After 45 days minimum, collect the final comments and conduct an internal Agency review.

c. Final Agency review:

(1) The environmental impact statement, with relevant comments, shall accompany the proposal during review.

(2) Modify the proposal, as required, to satisfy environmental impact statement reviews:

(3) Authorize the project for execution.

FRANCIS J. VAN DAMM,
Director of Logistics.

[FR Doc. 74-2206 Filed 1-25-74; 8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25090; Order 74-1-104]

UNITED AIR LINES, INC. AND
WESTERN AIR LINES, INC.

Order Approving Agreement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of January, 1974.

On October 12, 1973, the Energy Policy Office adopted regulations, pursuant to the Economic Stabilization Act of 1970, as amended by P. L. 93-28, April 30, 1973, establishing a mandatory fuel allocation program that imposes controls on "middle distillate fuels," including airline turbine fuel. On the same day, the Board issued Order 73-10-50, which authorized discussions to consider adjustment of schedules to the extent necessary to deal with the developing fuel emergency. Subsequently, on December 27, 1973, the Federal Energy Office (FEO) announced that the nation's trunkline carriers (including United and Western) would be allocated 95 percent of their 1972 fuel levels.

Pursuant to Order 73-10-50, discussions were held in Washington, D.C. on October 29, 1973 and an agreement was reached between United Air Lines, Inc. (United) and Western Air Lines, Inc. (Western) to limit frequency in the San Francisco-Seattle and San Francisco-Portland markets.

By its terms, the agreement will be implemented, subject to prior Board approval, on January 15, 1974 and will terminate on April 28, 1974. Furthermore, in the event of a cessation or curtailment

¹EPO Reg. 1, 38 F.R. 28660.

²FEO, Mandatory Petroleum Allocation Regulations, Subpart C, § 200.33(1). These fuel allocation levels will result in the carriers receiving approximately 15 percent less fuel than those 1974 planned levels of service would have required.